

LAND USE AND ZONING COMMITTEE

March 23, 2006 Minutes

The Land Use and Zoning Committee hereby find and determine that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 7:00 p.m.

The following members were present: Messrs. Hazel, Klco, Morse, Haycox, Terriaco, Welch, and Mrs. Garland. Staff: David Radachy

There are two district changes, one in Concord Township and one in Madison Township, and two text changes in Concord Township.

Zoning District Change R-2 Planned Unit Development to B-1 Restrict Retail

Location: Ravenna Road **Township:** Concord Township

Applicant: Mr. Richard Osborne, Trustee

Area of the district change request: 0.7945 Acres

Current Zoning: R-2, Residential **Proposed Zoning:** B-1, Restricted Retail

2004 Concord Twp. Comprehensive Plan: This area should be commercial that encourages a town center concept.

R-2 Zoning Requirements: *Planned Unit Development Standards are viable*

B-1 Zoning Requirements: *Frontage: 60 Feet Width at building setback: None.*
Lot Size: None. Lot shall be large enough to be able to conform to parking, buffering and any other applicable zoning requirements.

General Information: The site is located on Ravenna Road just south of Concord-Hambden Road. The parcel to the north is zoned R-1, but was recently recommended to become B-1 and the parcel to the south is zoned R-1. Currently, sanitary sewer service is not available. The Lake County Utilities Department is currently working on a project to bring sanitary sewer service to the site. Limited amount of commercial uses are allowed under the R-2 text. The Waffle House restaurant and offices in Grist Mill are zoned R-2. There is a greater amount of restrictions on the commercial units in the R-2 compared to the B-1.

Staff recommends not making the change. This property is allowed to do a limited amount of commercial uses. These uses are similar to what the 2004 Concord Township Comprehensive Plan has envisioned for this area. Changing the property to B-1 would allow more uses. The lot is only 100 feet wide. Changing the zoning would make it difficult to use. B-1 requires a 50-foot buffer along the side that is zoned residential and a 20-foot sideline clearance on the side that is zoned commercial or industrial. Most of the lot would be taken in buffers and setbacks. It would not be usable for buildings. This would also be a good place to stop the B-1. If it is not stopped here, it may continue to creep down Ravenna Road.

Mr. Terriaco agreed with stopping the B-1 at this point. He was concerned about the B-1 continuing down the corridor. He asked where the B-1 could be stopped if it did not stop here. Staff stated that it could go as far as Riding Trail, the road that connects Ravenna Road and Hunting Lake Drive.

Mr. Hazel made a motion to accept staff's recommendation of not recommending making the district change.

Mr. Welch seconded.

All voted "Aye".

Motion passed.

Text Change to Section 20.04, Concord Township

There are two zoning text changes in R-6 that were requested by the homeowners association of Mount Royal Subdivision. Currently, Mount Royal is the only area that is zoned R-6. Mount Royal Subdivision is located off Hermitage Road, south of Pinecrest Road. But, this does not mean that R-6 cannot be used in other areas of the Township. Other land owners may ask for the district change to R-6. The Land Use and Zoning Committee and the Planning Commission should not use a site-specific reason to justify a zoning text amendment.

Staff explained that ORC 519.02 allows townships to regulate sizes of yards, setback lines and density of population in the interest of public health and safety. Staff stated that they could not find any health or safety reasons to justify this change, especially with sanitary sewer being installed in the subdivision.

There is also the issue of affordability. Larger lots are more expensive and could be used to exclude people from the area.

Staff does not recommend this zoning text amendment. There are no public health or safety issues that would warrant larger lots, especially with a sanitary sewer line and water lines being installed to serve the homes.

Mr. Hazel stated that if the owners of this subdivision wanted to keep their lot size two acres, then they need to amend their homeowner association documents and add it as a deed restriction. It is not the government's responsibility to enforce lot size in this manner. Staff stated if the homeowners added it as a deed restriction, it would not stop anybody from splitting a lot if the zoning allows it. The owners could come to the Planning Commission with the proper paperwork, apply for a lot split and receive approval if the lot meets the minimums. If it is deed restricted and they split without approval of the homeowners association then they run the risk of being taken to court by the neighbors.

Mr. Terriaco made a motion to accept the staff's recommendation of not recommending this text change. Mr. Hazel seconded.

All voted "Aye".
Motion passed.

Text Change to Section 20.08, Concord Township

ORC 519.02 allows townships to regulate size of buildings and number of stories in the interest of public health and safety. The applicants wished to make the following changes:

Type	Current	Proposed
Ranch	1200	2800
Ranch (no basement)	1300	2800
More than one story	1500 w/ 800 on main floor	2800 w/ 2200 on main floor
More than one story (no basement)	1600 w/ 800 on main floor	2800 w/ 2200 on main floor

Staff stated that larger houses are more expensive and could be used to exclude people from the area.

Staff does not recommend this zoning amendment. There are no public health or safety issues that would warrant larger houses.

There was no discussion.

Mr. Morse made a motion to accept the staff recommendation of not recommending this text change.
Mr. Haycox seconded.

All voted "Aye".
Motion passed.

District Change split zoning of A-1/B-2 to all B-2

Location: North Ridge Road (US 20) **Township:** Madison
Applicant: William Guyer Estate; Robert Myers Jr., Administrator of the Estate
Acreage of the district change request: 15.45 Acres
Current Zoning: B-2, Highway Business & A-1 Agriculture **Proposed Zoning:** B-2
1996 Madison Township Comprehensive Plan: This parcel should remain as is with the split zoning.

Zoning Requirements: Madison Township Zoning Resolution does not state a minimum lot size for B-2 Highway Business, but it does have a requirement of 85 feet of lot frontage.

General Information: The current zoning of the site has 500 feet of B-2, Highway Business, the Estate of William Guyer wished the entire property to be zoned B-2, Highway Business. The lot frontage is located on US 20. A permit from ODOT will be required to access the property. Sanitary Sewer was recently brought to this area. This site is across the street from the new Wal-Mart.

The 1996 Comprehensive Plan stated that this area should keep its split zoning. This is a speculative rezoning request without a plan and the only entrance is onto North Ridge Road, which would require ODOT approval. It is also 1200 feet to the rear of the property. The visibility for retail is questionable. There seems to be wetlands on the property.

Mr. Welch stated that wetlands can be mitigated. Staff agreed and stated that the amount to mitigate would be not be cost prohibitive for commercial land, so that should not be considered too much.

Staff made the recommendation to not make the zoning district change because it does not conform to the Comprehensive Plan.

Mr. Morse made a motion to accept staff's recommendation to not recommending the district change.
Mr. Terriaco seconded.

Six voted "Aye".
Mr. Klco abstained.

Motion passed.

The meeting adjourned at 7:27 P.M.